

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Marc Howard Spinoza

Group Art Unit: 3763

Serial No.: 09/506,361

Examiner: VU, Quynh-Nhu Hoang

Filed: February 18, 2000

Atty. Dkt. No.: FIFW:019US

For: A METHOD OF SECURING A LINE TO
A PATIENT, FASTENERS AND THEIR
USE TO SECURE A LINE TO A
PATIENT

DECLARATION OF MARC HOWARD SPINOZA UNDER 37 C.F.R. § 1.132

I, Marc Howard Spinoza, declare that:

1. I am the inventor of the above-captioned patent application and have a financial interest in its issuance.
2. I have reviewed the claims that I am told are being submitted in response to an Office Action dated November 29, 2007.
3. I am the Senior Clinical Lead of the International Patients Unit at Great Ormond Street Hospital for Children NHS Trust, London WC3JH. I am a Medical Practitioner qualifying in 1994. My specialist training and practice has included adult cardiology, general medicine, surgery and orthopaedics. I have worked in both neonatal and paediatric intensive care. I have also worked in emergency medicine both adult and paediatric areas. I have worked at Great Ormond Street Hospital since 2000 and covered a wide variety of medical specialties including oncology,

gastroenterology, respiratory, immunology, orthopaedics, general surgery, renal, endocrine and neurology.

4. I have reviewed the "Shorey document," which is Patent Document GB 2,061,372 entitled, "Improvements in cable grips." I understand that the United States Patent Office has cited the Shorey document against the above-captioned patent application.

5. I understand the United States Patent Office has considered medical tubes of Dr. Spinoza's invention and cable lines of the Shorey document and stated, "A tube is analogous in structure to a cable line. It would have been obvious to one of ordinary skill in the art to recognize that the cable line and the tube are interchangeable and can be used in medical arts as it relates with the tube." I do not agree with this assertion.

6. The Shorey document describes using a lifting member that pulls a cable upwardly and contemplates applications involving a building or pole, down an excavation, a mine shaft and elsewhere. Column 1 lines 18-29. Embodiments of my invention, in contrast, contemplate a fastening device for securing a medical line with respect to a patient.

7. I do not believe that the Shorey document suggests a medical or surgical fastener for securing a tube to a patient, as claimed in the above-captioned patent application.

8. The Shorey document is not from the same field of endeavor as my invention.

9. I do not believe that the Shorey document is pertinent to the problem addressed by my invention. I do not believe that the Shorey document would have logically commended itself to the attention of an inventor considering and attempting to solve the problem addressed by my invention.

10. I declare that all statements made of my own knowledge are true and all statements made on information are believed to be true and further that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both

under § 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issued on it.

Date: 4.4.07.



Marc Howard Spinoza